IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6799 OF 2004

Vithal Kashinath Bhanage ...Petitioner

Versus

Dattatraya Govind Bhanage & Anr. ...Respondents

.....

Mr.N.R.Patil for Petitioner.

None for Respondents.

.....

CORAM: A.M.KHANWILKAR, J.

AUGUST 26, 2004.

P.C.

1. Issue notice before admission, returnable in the week commencing from 20th September 2004, on condition that the Petitioner deposits sum of Rs.5,000/- (Rupees Five Thousand) in this Court within two weeks from today. Besides, the Petitioner will cause to serve the Respondents. That be done by Advocate’s notice, either personally or by courier/speed post/ e-mail/fax, and file an affidavit of service on or before the

returnable date, failing which, the matter to stand dismissed for non-prosecution, without further reference to the Court.

2. It is made clear that if the Petitioner fails to comply with any of the aforesaid conditions, the Writ Petition to stand dismissed for non-prosecution, without further reference to the Court.

3. The amount so deposited by the Petitioner in this Court, shall be made over to the Respondents on entering appearance towards litigation cost before this Court.

4. In so far as interim relief is concerned, the same is rejected, as, even if the Petitioner was to succeed in this Writ Petition, at best, the Respondents would be liable to pay court fee and pursue the matter as ordinary litigant and not as indigent litigant.

A.M.KHANWILKAR, J.